

2008 No. 46

NORTHERN IRELAND DEPARTMENTS

**Departments (Transfer of Functions) Order
(Northern Ireland) 2008**

Made - - - - - 6th February 2008

*Affirmed by resolution of the
Assembly 10th March 2008*

Coming into operation in accordance with Article 1(2)

The First Minister and deputy First Minister acting jointly, in exercise of the powers conferred by Article 8 of the Departments (Northern Ireland) Order 1999(a), make the following Order—

Citation and commencement

1.—(1) This Order may be cited as the Departments (Transfer of Functions) Order (Northern Ireland) 2008.

(2) This Order comes into operation on 1st April 2008 or the day after that on which it is affirmed by a resolution of the Assembly, whichever is later.

Interpretation

2. In this Order—

“instrument” includes any judgment, decree, order, award, deed, contract, regulation, byelaw, certificate or other document;

“the transfer date” means the date on which this Order comes into operation;

“transferor” and “transferee”, in relation to any functions transferred by this Order, mean respectively the department or Minister from which and the department or Minister to which the functions are transferred.

Transfer of certain functions of Department of Culture, Arts and Leisure

3.—(1) The functions which immediately before the transfer date are exercisable by the Department of Culture, Arts and Leisure under or for the purposes of—

(a) the Boundary Survey (Ireland) Act 1854(b); and

(b) section 1 of the Administrative Provisions Act (Northern Ireland) 1933 (c. 25)(c), are hereby transferred as from that date to the Department of Finance and Personnel.

(a) S.I. 1999/283 (N.I. 1).

(b) 1854 c. 17 (N.I.); functions under this Act were previously transferred by SR 1999 No. 481.

(c) 1933 (c. 25) (N.I.); functions under this Act were previously transferred by SR 1999 No. 481.

(2) The functions which immediately before the transfer date are exercisable by the Minister of Culture, Arts and Leisure under or for the purposes of those statutory provisions are hereby transferred as from that date to the Minister of Finance and Personnel.

References in statutory provisions, etc.

4.—(1) In the construction and for the purposes of any statutory provision or instrument passed, made or issued before the transfer date, any reference to, or which is to be construed as a reference to, the transferor shall, so far as may be necessary for the purpose of the transfer of functions by this Order, be construed as a reference to the transferee.

(2) The transfer of functions by this Order shall not affect the validity of any instrument made or issued or any other act done by, or in relation to, the transferor before the transfer day; and any such instrument or act shall, if in force immediately before that date, continue in force to the same extent and subject to the same provisions as if it had been duly made, issued or done by, or in relation to, the transferee.

(3) Anything (including any legal proceedings) in the process of being done by or in relation to the transferor immediately before the transfer date may, so far as it relates to any function transferred by this Order, be continued by or in relation to the transferee.

Transfer of assets and liabilities

5. All property, rights and liabilities to which the transferor is entitled or subject immediately before the transfer date in connection with the functions transferred by this Order shall on that date be transferred to, and by virtue of this Order vest in, the transferee.

Dated this 6th day of February 2008

Ian R. K Paisley

First Minister

Martin McGuinness

deputy First Minister

EXPLANATORY NOTE

(This note is not part of the Order)

This Order transfers certain functions of the Department of Culture, Arts and Leisure and the Minister of that Department to the Department of Finance and Personnel and the Minister of that Department respectively.